



7020-02

## INTERNATIONAL TRADE COMMISSION

### Investigation No. 337-TA-925

#### Certain Communications or Computing Devices and Components Thereof

#### Institution of investigation pursuant to 19 U.S.C. 1337

**AGENCY:** U.S. International Trade Commission

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 16, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Enterprise Systems Technologies S.a.r.l. of Luxembourg. Letters supplementing the complaint were filed on July 30 and August 7, 2014. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain communications or computing devices, and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,870,610 (“the ‘610 patent”); U.S. Patent No. 6,594,366 (“the ‘366 patent”); U.S. Patent No. 6,691,302 (“the ‘302 patent”); and U.S. Patent No. 7,454,201 (“the ‘201 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that

information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2014).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on August 14, 2014, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain communications or computing devices, and components thereof by reason of infringement of one or more of claims 1, 5, 7-11, and 13 of the '201 patent; claims 8-17 of the '366 patent; claims 1-11, and 13-16 of the '302 patent; and claims 13-15 and 17 of the '610 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors, 19 U.S. C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Enterprise Systems Technologies S.a.r.l.  
296-298 route de Longwy, Grand-Duche de  
Luxembourg  
Grand-Duche de Luxembourg

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apple Inc.  
One Infinite Loop  
Cupertino, CA 95014

Cirrus Logic Inc.  
800 West 6th St.  
Austin, TX 78701

HTC Corporation  
23 Xinghua Road  
Taoyuan, 330, Taiwan

HTC America, Inc.  
13920 SE Eastgate Way  
Suite 400  
Bellevue, WA 98005

LG Electronics, Inc.  
LG Twin Towers  
20, Yoido-dong, Youngdungpo-gu,  
Seoul, 157-721, Republic of Korea

LG Electronics U.S.A., Inc.  
1000 Sylvan Ave.,  
Englewood Cliffs, NJ 07632

LG Electronics MobileComm U.S.A, Inc.  
10101 Old Grove Road  
San Diego, CA 92131

Samsung Electronics Co., Ltd  
1320-10, Seocho 2-dong Seocho-gu  
Seoul, Republic of Korea

Samsung Electronics America, Inc.  
105 Challenger Rd.  
Ridgefield Park, NJ 07660

Samsung Telecommunications America, L.L.C.  
1301 East Lookout Drive  
Richardson, TX 75082

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 15, 2014

Lisa R. Barton

Secretary to the Commission